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PATENT

FACSIMILE TRANSMITTAL LETTER

Attorney Docket No.	Serial No.
158-P-C1553US	09/700,901

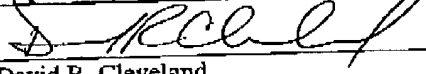
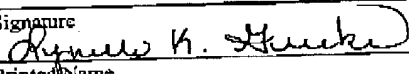
Commissioner for Patents
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Examiner Phone No.: 703-308-3510

In re Application of:	Peter Kuhlmann and Reinhard Winter	Examiner:	Patrick Dennis Niland			
Serial No.:	09/700,901	Art Unit:	1714			
Confirmation No.:	3028					
Filed:	November 17, 2000					
For:	ALKYL RESIN EMULSIONS AND UTILIZATION OF THE SAME					
We are transmitting the following documents:						
Facsimile Transmittal Letter [1 page]						
Response [3 pages]						
Declaration Under 37 CFR §1.132 of Peter Kuhlmann [7 pages]						

Please charge Deposit Account 50-0549 for any fees under 37 CFR §1.16 and §1.17 that may be required during the pendency of this application. This authorization includes the fee for any extension of time under 37 CFR §1.136(a) that may be necessary. To the extent any such extension should become necessary it is hereby requested.

Respectfully submitted,

Registration No. 29,524	Direct Dial 612-331-7412	
February 17, 2004		David R. Cleveland
United States Patent and Trademark Office		
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Patent
Docket No.: 158-P-C1553US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Peter Kuhlmann and
Reinhard Winter

Serial No.: 09/700,901

Filed: November 17, 2000

For: ALKYL RESIN EMULSIONS AND UTILIZATION OF THE SAME

Group Art Unit: 1714

Confirmation No.: 3028

Examiner: Patrick Dennis Niland

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Facsimile Number: 703-872-9306

Date: February 17, 2004

By

Lynelle K. Grube

RESPONSECommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Introductory Comments

This is in reply to the Office Action mailed November 18, 2003. Reconsideration is requested in view of the following remarks:

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Remarks

Claims 1 – 20 are pending in this application. This response is accompanied by a Rule 132 Declaration signed by inventor Dr. Peter Kuhlmann. The Kuhlmann Declaration compares Rodriguez's single-component paints and applicants' claimed two-component paint system.

Rejection under 35 USC §112

Claims 1 – 20 were rejected under 35 USC §112, first paragraph, on grounds that there was no antecedent basis in the specification for the phrase "are formulated to provide a paint containing at least a stoichiometric ratio of isocyanate groups to hydroxyl groups with no more than 30% of the hydroxyl groups being pre-reacted with isocyanates". This phrase is supported by at least the following passages in the specification:

"For increasing the initial molecular weight and for improving physical drying or accelerating initial drying the alkyd resin can be pre-reacted with isocyanates. However, during the modification of the hydroxy-functional alkyd resin with isocyanate no more than 30% of the available hydroxyl groups should be reacted."
(page 5, lines 18 – 21)

"These alkyd emulsions are characterized by excellent stability in the pH range from 6 to 9 and are very suitable for formulating aqueous two-component paints." (page 7, lines 7 – 8)

"The stoichiometric ratio is calculated based on the basic isocyanate value, which defines the amount of polyisocyanate which is equivalent to 100 parts by weight of the hydroxy group containing components.

$$\text{basic isocyanate value} = \frac{42 \times 100 \times \text{OH \% in the polyol component}}{17 \times \text{NCO \% in the isocyanate component}}$$

In practice, this basic isocyanate value works as a guide value. Depending on the desired properties of the paint system, the amount of curing agent can be varied considerably. Usually, markedly higher isocyanate amounts are used in water paints

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since for example part of the isocyanate reacts with water to form polyureas and is then no longer available for cross-linking with the polyol component." (page 7, line 24 through page 8, line 5)


Applicants accordingly request withdrawal the 35 USC §112, first paragraph rejection of claims 1 – 20.

Conclusion

The specification supports the phrase "are formulated to provide a paint containing at least a stoichiometric ratio of isocyanate groups to hydroxyl groups with no more than 30% of the hydroxyl groups being pre-reacted with isocyanates". Dr. Kuhlmann's Declaration compares Rodriguez's single-component paints and applicants' claimed two-component paint system and shows why applicants' paint system is different from and patentable over Rodriguez. Applicants request reconsideration and passage of their application to the issue branch.

Respectfully submitted,

February 17, 2004


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